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EXAMINER

LE, KIMLIEN T

ART UNIT

PAPER NUMBER

2653

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16

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/537,754

Applicant(s)

HWANG, YONG-HA

Examiner

Kimlien T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-12, 14-20 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 14-20 and 22-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Response to Arguments*

Applicant's arguments filed on January 28, 2004 have been fully considered but they are not deemed to be persuasive.

Applicant asserts on page 8 :

However, nothing is taught or suggested in Nomura as to detecting an amplitude of the envelope signal by "sampling the envelope signal between a maximum value and a minimum value into n sample signals at a zero cross interval, and obtaining an average value of the obtained n peak-to-peak values," as recited in independent claim 1.

The Examiner maintains that Nomura (U.S. Patent 6,298,024) discloses that Nomura shows detecting an amplitude of the envelope signal by "sampling the envelope signal between a maximum value and a minimum value into n sample signals at a zero cross interval (between the top and bottom values), and obtaining an average value of the obtained n peak-to-peak values (column 5, lines 35-40; Figs. 12b, 5b).

Also, Applicant asserts on page 9:

Independent claim 20 recites "a controller which detects an amplitude of the envelope signal only when a focusing operation of the disc is being performed prior to a tracking control operation of the disc being performed, to discriminate the type of the loaded disc, wherein the controller controls the reproduction of the disc in accordance with the discriminated disc type." In contrast, Nomura identifies the type of the optical disc 1 on the basis of an amplitude indicating signal RFAMP, and outputs an identification result signal DTYPE.

The Examiner maintains that Nomura (U.S. Patent 6,298,024) shows a controller (Fig. 2, numeral 22; See also column 6, lines 15-22) which detects an amplitude of the envelope signal only when a focusing operation of the disc being performed prior to a tracking control operation of the disc is being performed, to discriminate the type of the loaded disc, wherein the controller

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controls the reproduction of the disc in accordance with the discriminated disc type (column 9, line 45- column 10, line 65).

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,6-12,14-20 and 22-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Nomura(US 6,298,024).

Regarding claim 1, see Figs. 1, 2 and 3 of Nomura which show an optical disc discrimination apparatus for use in an optical disc reproducer which reproduces data from a plurality of different types of discs with a single optical pickup, the optical disc discrimination apparatus comprising: a RF envelope generator (10) which generates an envelope signal from an RF signal read from one of the discs (1) which is loaded in the optical disc reproducer(11); and a controller (12,22) which detects an amplitude of the envelope signal at an off-track state of the loaded disc, and discriminates the type of the loaded disc using the detected amplitude (column 9 line 45- column 10 line 65), wherein the controller comprises: an envelope amplitude detector detecting the amplitude of the envelope signal and sampling the envelope signal between a maximum value and a minimum value into n sample signals at a zero cross interval, and

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obtaining an average value of the obtained n peak-to peak values as the detected amplitude (column 3, lines 19-45); and a disc discriminator which compares a level of the detected amplitude with at least one predetermined reference level and discriminates whether the loaded disc is a CD, a DVD ROM, or a DVD-RAM, based on the comparison (column 1, lines 47-60).

With regard to claim 2, see Figs. 1, 2 and 3 of Nomura which show an optical disc discrimination apparatus of claim 1, wherein the RF envelope generator (10) generates the envelope signal by a peak hold and a bottom hold of the RF signal read from the loaded disc (column 5, line 66 - column 6, line 22).

With regard to claim 3, see Figs. 1, 2 and 3 of Nomura which show the optical disc discrimination apparatus of claim 1, wherein the off-track state is a state where only a focusing is accomplished before a tracking control of the loaded disc is performed (column 9, line 49 - 54; column 10, line 45 - 47; column 10, line 57 -65 ; column 23, line 24 - 26).

Regarding claims 8 and 9, see Figs. 1, 2 and 3 of Nomura which show all the features of claim 1. Also, Nomura shows that the envelope amplitude detector detects a magnitude of peak-to-peak values of the n sample signals, and obtains the average value of the peak-to-peak values to determine the detected amplitude (column 15, lines 10-40).

With regard to claim 6, see Figs. 1, 2 and 3 of Nomura which show the optical disc discrimination apparatus of claim 1, wherein the at least one predetermined reference level is set based on conditions that a CD has a track pitch relatively larger than a DVD-ROM, thus having a larger change in the amplitude of the RF signal as an optical beam emitted by the optical disc reproducer traverses tracks thereof, and that a DVD RAM has no change in the amplitude of the

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RF signal as the optical beam emitted by the optical disc reproducer traverses the tracks thereof(column 3, lines 45-60).

With regard to claim 7, see Figs. 1, 2 and 3 of Nomura which show the optical disc discrimination apparatus of claim 6, wherein the disc discriminator discriminates whether: the loaded disc is the CD if a level of the detected envelope amplitude is larger than a first one of the at least one predetermined reference level; the loaded disc is the DVD-ROM if the level of the detected envelope amplitude is smaller than the first predetermined reference level and larger than a second one of the at least one predetermined reference level; and the loaded disc is the DVD-RAM if the level of the detected envelope amplitude is smaller than the second predetermined reference level (column 10, lines 1-25).

With regard to claims 10 and 18, Nomura shows all the features of claims 3 or 12. Also, Nomura show that the controller controls rotation of the loaded disc at a speed slow enough to maintain a focusing state with respect to each of the plurality of different types of discs in the off-track state (column 11, lines 14-27).

With regard to claim 11, see Figs. 1, 2 and 3 of Nomura which show the optical disc discrimination apparatus of claim 4, wherein the controller controls rotation of the loaded disc at a speed slow enough to maintain a focusing state with respect to each of the CD, DVD-ROM and DVD-RAM in the off-track state (column 1, lines 55-60; column 10, lines 24-27).

With regard to claim 12, see Figs. 1, 11 and 12b of Nomura which show an optical disc discrimination method of discriminating a type of a disc for use in an optical disc reproducer which reproduces data from a plurality of discs with only a single optical pickup, the optical disc discrimination method comprising:(a) obtaining an envelope signal from a RF signal detected

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from one of discs which is loaded in the optical disc reproducer at an off-track state of the loaded disc; (b) detecting an amplitude of the envelope signal comprising : sampling the envelope signal between a maximum value and a minimum value into n sample signals at a zero cross interval, detecting the amplitude of the envelope signal, and obtaining an average value of the obtained n peak-to-peak values as the detected amplitude(column 3, lines 19-45);(c) comparing the amplitude of the envelope signal with at least one predetermined reference level; and (d) discriminating whether the loaded disc is a CD, a DVD-ROM, or a DVD-RAM based on the comparison (column 3, lines 19-45; column 6, lines 1-20).

With regard to claims 14 and 15 , see Figs. 5(a),(b), (c) and 6(b) of Nomura which show the optical disc discrimination method of claim 12, wherein the step (d)comprises discriminating the loaded disc as the CD, the DVD-ROM or the DVD-RAM, based upon a condition that a change in the RF signal amplitudes as an optical beam of the optical disc reproducer moves across tracks thereof differs from each other in the CD, the DVD, ROM, and the DVD-RAM, wherein a first one of the at least one predetermined reference level is larger than the amplitude of the RF signal detected from the CD, and a second one of the at least one predetermined reference level is smaller than the first predetermined reference level and larger than the amplitude of the RF signal detected from the DVD-ROM (column 10, lines 10-20).

With regard to claims 16 and 17 , see Figs. 1, 11 and 12b of Nomura which show the optical disc discrimination method of claim 13, wherein the detecting of the predetermined number of sample signals comprises detecting a magnitude of peak-to-peak values of the predetermined number of samples; and the obtaining of the average value comprises obtaining

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the average value of the peak-to-peak values to detect the amplitude of the envelope signal (column 15, lines 10-40).

With regard to claims 19, see Figs. 1, 11 and 12b of Nomura which show the optical disc discrimination method of claim 12, further comprising controlling a rotation of the loaded disc at a speed slow enough to maintain a focusing state with respect to each of the plurality of different types of discs in the off-track state (column 1, lines 55-60; column 10, lines 24-27).

With regard to claim 20, see Figs. 1, 2 and 3 of Nomura which show an optical reproducer which reproduces data from a plurality of different types of discs using a single optical pickup, the optical disc discrimination apparatus comprising: a data reproducing device (4) which reproduces the data by illuminating an optical beam on a loaded one of the optical discs, receive the reflected optical beam, to generate an RF signal; an RF envelope generator (20,21) which generates an envelope signal from the RF signal; and a controller (22) which detects an amplitude of the envelope signal only when a focusing operation of the disc being performed prior to a tracking control operation of the disc is being performed, to discriminate the type of the loaded disc, wherein the controller controls the reproduction of the disc in accordance with the discriminated disc type (column 9 line 45- column 10 line 65).

With regard to claim 22, see Figs. 1, 2 and 3 of Nomura which show the optical reproducer of claim 20, wherein the controller (12) controls rotation of the loaded disc at a speed slow enough to maintain a focusing state with respect to each of the plurality of different types of discs during the focusing operation (column 9, lines 49-54).

With regard to claim 23, see Figs. 1, 2 and 3 of Nomura which show the optical reproducer of claim 20, optical reproducer of claim 20, wherein the optical beam is initialized to



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635-650 nm during the focusing operation of the disc performed prior to the tracking control operation of the disc ( column 9, lines 49-54).

With regard to claim 24, see Figs. 1, 2 and 3 of Nomura which show the optical reproducer of claim 20, further comprising: an RF amplifier(201,211) to amplify the RF signal output from the data reproducing device; a focusing servo (7)to output a focus control signal in accordance with a focus error signal of the RF signal and the discriminated disc type; a pickup actuator (4) to drive the data reproducing device for focusing based upon the focus control signal; a spindle motor to rotate the loaded disc in accordance with a servo control signal; and a spindle servo to generate the servo control signal in accordance with the discriminated disc type and the amplified RF signal.

With regard to claim 25, see Figs. 1, 2 and 3 of Nomura which show the optical disc reproduction method of reproducing data from a plurality of different types of discs using a single optical pickup, the optical disc reproduction method comprising: reproducing the data by illuminating an optical beam on a loaded one of the optical discs, receive the reflected optical beam, to generate an RF signal; generating an envelope signal from the RF signal; and detecting an amplitude of the envelope signal only when a focusing operation of the disc being performed prior to a tracking control operation of the disc is being performed, to discriminate the type of the loaded disc, and controlling the reproduction of the disc in accordance with the discriminated disc type(column 9 line 45- column 10 line 65).

With regard to claim 26, see Figs. 1, 2 and 3 of Nomura which show the optical disc reproduction method of claim 25, wherein the discriminating of the type of disc comprises comparing a level of the detected amplitude with at least one predetermined reference level and

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discriminating whether the loaded disc is a CD, A DVD-ROM, or a DVD-RAM, based upon the comparison.

With regard to claim 27, see Figs. 1, 2 and 3 of Nomura which show an optical disc reproduction method of claim 25, further comprising controlling rotation of the loaded disc at a speed slow enough to maintain a focusing state with respect to each of the plurality of different types of discs during the focusing operation.

With regard to claim 28, see Figs. 1, 2 and 3 of Nomura which show optical disc reproduction method of claim 25, further comprising initializing the optical beam to 635-650 nm during the focusing operation of the disc performed prior to the tracking control operation of the disc.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Point of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimlien Le

  
**TAN DINH  
PRIMARY EXAMINER**